

**REMARKS**

Claims 8-13 are pending in this application. By this Amendment, claim 13 has been amended and claim 14 has been canceled without prejudice to or disclaimer of the subject matter contained therein.

Applicants appreciate the indication of allowable subject matter in claim 13. Claim 13 has been rewritten in independent form.

Claim 14 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0047172 (hereinafter "Reid") and by WO 02/068321 A2 (Eldridge). Claim 14 has been canceled. Therefore, these rejections are now moot.

Claims 8-12 were rejected under 35 U.S.C. §103(a) as being obvious over Reid in view of WO 00/33089 (hereinafter "Mathieu"). This rejection is respectfully traversed.

Reid and Mathieu fail to disclose or suggest, either alone or in combination, "using a sacrificial layer of polymer material deposited on a substrate and having side walls confining the flat suspended structure," as called for by claim 8.

Referring to Figs. 2A-2F, Reid discloses a substrate 40 having a patterned final metal layer 41a, 41b. A sacrificial layer 42 is deposited on the substrate and extends over the entire surface of the substrate and the metal layer 41a, 41b. As shown in Fig. 2B, an aperture (not labeled) is formed in the sacrificial layer 42 and a plug layer 43 is deposited over the sacrificial layer 42 and the aperture. Chemical mechanical polishing is then performed to produce a plug 44 and a sacrificial layer 42 having a smooth surface 45. (See Fig. 2C). Next, a layer 46 is deposited on the smooth surface 45 and an additional structural layer 47 is deposited on a portion of the layer 46. Finally, the sacrificial layer 42 is removed, thereby producing a suspended structure consisting of layers 46 and 47.

According to claim 8, side walls of the sacrificial layer confine the suspended structure. However, in Reid, as shown in Figs. 2E-2F, side walls of the sacrificial layer 42 do

not confine the suspended structure which consists of layers 46 and 47. There is no correspondence between the lateral limitations of the suspended structure in Reid and the side walls of the sacrificial layer 42.

Further, in Reid, side walls of the aperture define the lateral limitations of the plug 44. However, as shown in Fig. 2B-2F, side walls of the aperture do not define side walls of the sacrificial layer 42 because the sacrificial layer 42 extends to the lateral ends of the substrate 40. Therefore, side walls of the aperture cannot be said to confine the suspended structure in Reid.

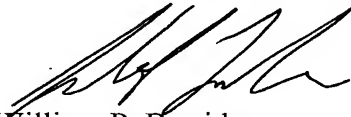
Moreover, Reid fails to disclose "a deposition step, on at least a part of the substrate and of the front face of the sacrificial layer, of an embedding layer presenting a larger thickness than the thickness of the sacrificial layer," as called for claim 8. In Reid, as shown in Fig. 2B, the plug layer 43 does not correspond to the embedding layer of claim 8. The plug layer 43 does not present a larger thickness than the sacrificial layer 42. Further, as shown in Fig. 2C, after a planarization step, the plug layer 43 is removed. Therefore, the plug layer 43 is not an intermediary layer, as called for by claim 8.

For at least these reasons, claim 8 is patentable over Reid. Further, Mathieu fails to provide that which Reid lacks. Therefore, claim 8 is also patentable over Mathieu. Because claims 9-12 depend from claim 8, they are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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